

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-744

13 **ANDREA LEIGH FARLEY**
134 Minnewaska Trail
Kerhonkson, NY 12446

A C C U S A T I O N

14 **Registered Nurse License No. 632008**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
21 Consumer Affairs.

22 2. On or about February 5, 2004, the Board of Registered Nursing issued Registered
23 Nurse License Number 632008 to Andrea Leigh Farley (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought in this Accusation
25 and will expire on March 31, 2015, unless renewed.
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1 DANGEROUS DRUGS

2 8. Code section 4022 provides:

3 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
4 humans or animals, and includes the following:

5 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
6 prescription,’ ‘Rx only’ or words of similar import.

7 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
8 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

9 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
10 prescription or furnished pursuant to Section 4006.”

11 9. Rocephin is an antibiotic used to treat many kinds of bacterial infections, including
12 severe or life-threatening infections such as meningitis. It is a dangerous drug as defined by Code
13 section 4022.

14 COST RECOVERY

15 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
19 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
20 included in a stipulated settlement.

21 CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct - Out of State Discipline)
(Bus. & Prof. Code § 2761, subd. (a)(4))

23 11. Respondent has subjected her registered nurse license to disciplinary action under
24 Code section 2761, subdivision (a)(4), in that on or about November 14, 2011, in a disciplinary
25 action before the New York State Education Department, Office of Professional Nursing, State
26 Board for Nursing (New York Board), the New York Board entered Original Vote and Order No.

1 25650, granting Respondent's application for a consent order and placing her on probation for 24
2 months.

3 12. The New York Board's Order required Respondent to do the following during the
4 period of probation: (1) submit written notification to the New York Board of her employment or
5 practice, residence, phone number, and mailing address, and any change in the foregoing; (2) not
6 practice as a registered nurse during the first month of probation; (3) submit written proof that she
7 paid all registration fees due and owing to the New York Board; (4) submit written proof that she
8 is registered with the New York Board; and (5) make quarterly visits to an employee of the New
9 York Board to ensure her compliance with the terms of her probation and comply with any of the
10 employee's requests. The Order also required Respondent to pay a \$500 fine within the first 5
11 months of probation. The circumstances of the New York Board's Order are as follows:

12 13. On or about July 30, 2011, Respondent submitted an Application for Consent Order
13 to the New York Board. In her application, Respondent admitted that she was negligent on more
14 than one occasion in that on or about July 11, 2010, while employed and on duty as a nurse at
15 Vassar Brothers Hospital in Poughkeepsie, New York, a physician ordered that Rocephin be
16 administered to Respondent's patient, Patient A. Respondent erroneously administered the
17 Rocephin to a different patient, Patient B, but stopped the administration when she realized her
18 error. Respondent failed to note the error in Patient B's chart, and also failed to notify a
19 supervisor of her error.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
22 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 632008, issued to Andrea
24 Leigh Farley;

25 2. Ordering Andrea Leigh Farley to pay the Board of Registered Nursing the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3; and
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3. Taking such other and further action as deemed necessary and proper.

DATED: March 13, 2013 *Janice Bane*
for LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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